## United States Court of Appeals for the Fifth Circuit

No. 20-40597

United States Court of Appeals Fifth Circuit

> FILED April 28, 2023

Lyle W. Cayce Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee/Cross-Appellant,

versus

ALEXANDRU BITTNER,

Defendant—Appellant/Cross-Appellee.

Appeal from the United States District Court for the Eastern District of Texas USDC No. 4:19-CV-415

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Before RICHMAN, Chief Judge, and CLEMENT and DUNCAN, Circuit Judges.

## JUDGMENT ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the case is REMANDED to the district court for further proceedings in light of the Supreme Court's decision in *Bittner v. United States*, 143 S. Ct. 713 (2023).

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IT IS FURTHER ORDERED that each party bear its own costs on appeal.



Certified as a true copy and issued as the mandate on Jun 20, 2023

Clerk, U.S. Court of Appeals, Fifth Circuit